

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE SIMKINS,

Plaintiff,

No. CIV S-04-1433 DFL PAN P

vs.

FOOTHILL ORTHOPEDIC
MEDICAL CLINIC, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On January 25, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. Neither party has filed objections to the findings and recommendations.

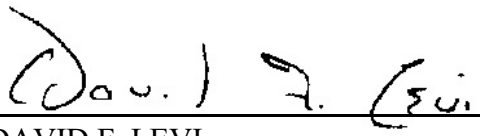
The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1 1. The findings and recommendations filed January 25, 2006 are adopted in full;

2 2. Tuolomne's July 13, 2005 motion to dismiss is granted and claims against it
3 are dismissed for failure to state a claim;

4 3. Tennison's August 19, 2005 motion to dismiss is granted and claims against
5 her are dismissed for failure to state a claim.

6 DATED: March 7, 2006.

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10 DAVID F. LEVI
11 United States District Judge
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